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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,150

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Hershkovitz & Associates, LLC
2845 Duke Street
Alexandria, VA 22314

EXAMINER

JONES, MARCUS D

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

07/28/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net
patent@hershkovitz.net

Office Action Summary	Application No. 10/590,150	Applicant(s) PAT ET AL.	
	Examiner Marcus D. Jones	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>IDS (2 April 2007), IDS (6 July 2007)</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33, 38, 39, 43, 44, 51, 52, and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Gelinotte (US PGPub 2004/0229682).

In reference to claims 33 and 51, Gelinotte discloses: A gaming table and a method of using a gaming table for use with electronic memory microchip gaming chips, comprising: a tabletop including a gaming chip storage area and at least one gaming chip testing area (pg 1, par 10); at least one test station including a communication unit adapted to exchange information with a memory of a gaming chip in said gaming chip testing area by an antenna device disposed at least one of on and in said tabletop, the communication unit being associated with a processing unit for processing information contained in said memory (pg 2, par 15-16); and at least one display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said tabletop, wherein the display device is physically separate from a casing of said test station and the gaming chip testing area and the screen of the

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display device are close together, beside said storage area and in reach and in view of an operator of the table (pg 4, par 61).

In reference to claims 38 and 52, Gelinotte discloses: wherein the communication unit is one of wholly or partially under the tabletop of the gaming table and said test station also incorporates in its casing the processing unit which has an output connected to the display device (pg 2, par 31).

In reference to claim 39, Gelinotte discloses: wherein the chip storage area is a chip rack (pg 1, par 6).

In reference to claims 43, 44 and 56, Gelinotte discloses: on the tabletop of the gaming table, other areas for one of a) electronically reading or b) electronically reading and writing gaming chips associated with antennas having appropriate multiplex connections to the test station and via said test station to the screen of the display device (pg 2, par 33).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 34, 35, 40 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelinotte (US PGPub 2004/0229682).**

In reference to claim 34, Gelinotte discloses all the elements of this claim except that the display screens are flush mounted with the tabletop. However, it is well known in the art to mount the display screens flat with respect to the tabletop of the playing surface.

In reference to claim 35, Gelinotte discloses all the elements of this claim except that the tabletop has a rectangular or pseudo-rectangular shape. Gelinotte discloses a table that comprises a proximal operator side and a distal customer side (see Figure 2a). It is a matter of design choice to make the tabletop rectangular or pseudo-rectangular and contains no criticality to the operation of the tabletop.

In reference to claims 40 and 53, Gelinotte discloses all the elements of this claim except that the testing area is located beside a tip box. It is well known in the art that an area of a gaming table top is reserved for tipping the dealer or game operator.

5. Claims 36, 37, 41, 42, 45-50, 54, 55, 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelinotte (US PGPub 2004/0229682) and further in view of French (US 5,735,742).

In reference to claim 36, Gelinotte discloses all the elements of this claim except that the testing area and display screen are on opposite sides of the storage area. French teaches placing the testing area and display on opposite sides of the chip storage area (see Figure 3).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Gelinotte and French to yield a logical table design that is attractive to a player thereby increasing the appeal of the game.

In reference to claim 37, Gelinotte discloses all the elements of this claim except wherein the screen of the display device has a single display line parallel to the proximal operator side of the tabletop. French discloses a plurality of bet displays associated with each player in proximity of the operator (col 6, ln 45-49 and see Figure 3).

In reference to claims 41, 42, 54, 55 and 59, Gelinotte discloses all the elements of these claims except wherein two gaming chip testing areas are disposed laterally on either side of the chip rack and are combined with one of, a screen that is centrally located with respect to the chip rack, or with two lateral screens. French teaches that the testing area is on either side of the chip rack and a screen is centrally located and that the screen is located immediately in front of the chip rack on the customer side (see Figure 3).

In reference to claim 45, Gelinotte discloses all the elements of this claim. Gelinotte discloses using the tabletop in association with gaming, change or cash tables (pg 6, par 93). French further teaches using the gaming table as a blackjack table (col 6, ln 22-23).

In reference to claim 46, Gelinotte discloses: A gaming table for use with electronic memory microchip gaming chips, comprising: a tabletop including a gaming chip storage area and at least one gaming chip testing area (pg 1, par 10); at least one test station including a communication unit adapted to exchange information with a memory of a gaming chip in said gaming chip testing area by an antenna device disposed at least one of on and in said tabletop, the communication unit being

associated with a processing unit for processing information contained in said memory (pg 2, par 15-16);

at least one display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said tabletop (pg 4, par 61); and on the tabletop of the gaming table, other areas for one of a) electronically reading or b) electronically reading and writing gaming chips associated with antennas having appropriate multiplex connections to the test station and via said test station to the screen of the display device (pg 2, par 33), wherein the display device is physically separate from a casing of said test station and the gaming chip testing area and the screen of the display device are close together, beside said storage area and in reach and in view of an operator of the table (pg 4, par 61); and the communication unit is one of wholly or partially under the tabletop of the gaming table and said test station also incorporates in its casing the processing unit which has an output connected to the display device (pg 2, par 31).

French teaches the gaming chip testing area and the screen of the display device are substantially on respective opposite sides of a substantially distal corner of the storage area (see Figure 3); the screen of the display device has a single display line parallel to the proximal operator side of the tabletop (col 6, ln 45-49 and Figure 3); two gaming chip testing areas are disposed laterally on either side of the chip rack and are combined with one of, a screen that is centrally located with respect to the chip rack, or with two lateral screens ; and said one of the screen or two lateral screens is/are

placed immediately in front of the chip rack on a customer side of the gaming table (see Figure 3).

Both Gelinotte and French are silent with respect to flush mounting the screen with the tabletop and the tabletop having a rectangular or pseudo-rectangular shape. It is notoriously well known in the art to mount the screen flush with the tabletop. It is also a matter of design choice to make the tabletop rectangular as it carries no criticality to the function of the tabletop.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Gelinotte and French to yield a gaming system that uses microchip gaming chips as surveillance means to make a more secure gaming environment.

In reference to claim 47, Gelinotte disclose all the elements of this claim. French further teaches a camera coupled to the electronic system for monitoring (col 6, ln 11-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to combine the teachings of Gelinotte and French to yield a gaming room surveillance system.

In reference to claims 48 and 49, Gelinotte and French disclose all the elements of these claims. French further teaches the camera is monitored by security personnel over a network (col 9, ln 50-53).

In reference to claim 50, see above discussion of claims 41, 42, 54, 55 and 59.

In reference to claim 57, see above discussion of claim 47.

In reference to claim 58, see above discussion of claim 49.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3714